Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1 and 3; the drawings have been amended to include "Prior Art" legends.

A Submittal of Drawing Replacement Sheets is filed concurrently herewith under a separate cover; a copy of that filing is attached.

Attachment: Copy of Submittal of Drawing Replacement Sheets

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1-3 and 5-6. Claims 1-6 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Withdrawal of Prior Rejections

In response to Applicants' filing of an Appeal Brief, substantially incorporating Applicants' prior arguments traversing the Examiner's claim rejections, the Examiner has now withdrawn his prior rejections and set forth a new basis of rejection. The Applicants thank the Examiner for recognizing the deficiencies of his prior bases of rejection. For the reasons stated hereinafter, the Applicants traverse the Examiner's new bases of rejection.

3.) Examiner Objections – Drawings

The Examiner objected to Figures 1 and 3 of the drawings as not including a "Prior Art" legend. The Applicants submit herewith a copy of a Submittal of Drawing Replacement Sheets, filed concurrently herewith, adding such legends to Figures 1 and 3. The Examiner's approval of the drawings is respectfully requested.

4.) Claim Rejections – 35 U.S.C. §112, 2nd paragraph

The Examiner rejected claims 1-3 and 5-6 as being indefinite. Although the Applicants disagree with the Examiner's rejection, the amendments suggested by the Examiner are trivial and do not change either the definiteness or scope of the claims. Accordingly, the Applicants have amended claims 1-3 and 5-6 substantially as suggested by the Examiner.

5.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 1-6 as being unpatentable over "Applicant Admitted prior Art" (AAPA) in view of "Data Networks and Open System

Communications, Open System Interconnection-Service Definitions, ITU-T Recommendations X.213, November 1995" (hereinafter ITU-T) and further in view of P. Pancho, "ATM Switch Routers for Combined Connection-Oriented and Connectionless Transport" (hereinafter Pancho). The Applicants traverse the rejections.

The primary deficiency in the new basis of rejection is that the Examiner has apparently mischaracterized Applicants' own teachings as "Admitted Prior Art." The Examiner asserts that the Applicants have characterized as prior art that "ITU-T recommendation X.213 provides a flexible addressing mechanism which defines the so-called Network Service Access Point (NSAP) addressing format;" the Examiner supports his assertion with reference to Applicants' specification at page 3, lines 7-10. That portion of Applicants' specification, however, is not directed to a description of the prior art, but is the summary of Applicants' invention. In contrast to the Examiner's assertion, what that portion of the specification actually states is that the Applicants (*i.e.*, inventors) recognized that a flexible mechanism for use in the BICC protocol is provided by ITU-T recommendation X.213, which defines the so-called Network Service Access Point (NSAP) addressing format. The novelty and advantages of Applicants' invention reside in conveying addresses between peer Media Gateway Controllers using Bearer Independent Call Control (BICC) or Transport Independent Call Control (TICC) by encapsulating addresses using the Network Service Access Point (NSAP) addressing format as defined in ITU-T recommendation X.213. ITU-T recommendation X.213 does not teach, much less suggest, the encapsulation of addresses using NSAP and conveying such encapsulated addresses between Media Gateway Controllers using BICC or TICC.

In addition to ITU-T and Pancho, the Examiner supports his rejection by reliance on what he characterizes as "well known in the prior art." Even accepting as true the matters the Examiner characterizes as well known in the art, the combination of such prior art and the explicit references cited by the Examiner fail to teach, much less suggest, the claimed invention. This is due, in part, to another critical flaw in the Examiner's reasoning, emphasized by his statement that "[i]t would have been obvious to one skilled in the art at the time of the invention to try to remove the need for such

explicit address resolution." (emphasis added) The question of obviousness is whether it would have been obvious to solve a particular problem in the manner of the claimed invention. The Examiner's statement, however, states the question of obviousness in terms of the problem to be solved; *i.e.*, "to remove the need for explicit address resolution." Many problems are obvious. The test for patentability, however, is not whether a problem is obvious, but whether a claimed solution to that problem would be obvious to one of ordinary skill in the art. The Examiner has not pointed to any teaching, or suggestion, in the prior art that would render obvious the solution provided by Applicants' claimed invention.

The Examiner further supports his rejection by stating that "NASP was designed to provide a basis for individual enhancement of existing heterogeneous sub networks." (emphasis added). It is irrelevant, however, that NASP was allegedly designed to provide such basis. The question is not what NASP aspired to be, but whether the references disclose the use of NASP in the manner recited in the claimed combination of elements. The Examiner has not pointed to any teaching, or combination of teachings, that (1) convey addresses between peer Media Gateway Controllers, (2) **using Bearer Independent Call Control (BICC)**, (3) by encapsulating addresses using the Network Service Access Point (NSAP) addressing format as defined in ITU-T recommendation X.213. Therefore, the Examiner has not established a *prima facie* case of obviousness of claim 1.

Whereas independent claims 5 and6 recite limitations analogous to those of claim 1, those claims are also not obvious over Denman in view of Reed. Furthermore, whereas claims 2-4 are dependent from claim 1, and include the limitations thereof, those claims are also not obvious.

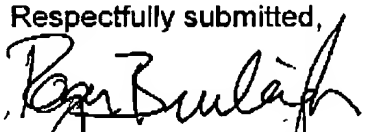
* * *

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-6.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Roger S. Burleigh
Registration No. 40,542

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-5799
roger.burleigh@ericsson.com